

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of
Beverly Henderson
Respondent

Civil Citation No. 63179
1634 Lyle Court

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on July 29, 2009 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-310, 312; 13-7-401, 402, 403; 13-4-201; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A, failure to properly store trash in cans with fitted lids, failure to cease open dump, failure to cut and remove tall weeds/overgrowth in alley on residential property known as 1634 Lyle Court, 21234.

On July 6, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Christina Frink issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$3,600.00 (three thousand six hundred dollars).

The following persons appeared for the Hearing and testified: Beverly Henderson, Respondent and Christina Frink, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on June 22, 2009 for removal of trash and debris and garbage from the alley, and removal of overgrowth from the alley, following a community sweep by County inspectors. This Citation was issued on July 6, 2009.

B. Photographs in the file show scattered trash, crab detritus, and yard waste on the ground, and garbage in cans without lids. This violates County Code prohibitions of conditions that are conducive to rat harborage and rodent infestation.

C. Inspector Frick testified that some cleanup was done prior to this Hearing and that some of the overgrown shrubs and weeds have been cut back in the alley. Respondent Henderson testified that she has replaced the garbage cans and will get additional help from her grandsons to correct all remaining violations. Because compliance is the goal of code enforcement, and there is no prior history of violations, the civil penalty will be rescinded if the violations are corrected.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$200.00 (two hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by August 17, 2009. If the Respondent fails to correct the violations, the civil penalty shall be imposed.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 31st day of July 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.

MZF/jaf